

April 10, 2009

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**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Ex Parte Presentation in: GN Docket No. 09-29**

Dear Ms. Dortch:

This letter provides notice that on April 9, 2009, Mark Ellison, Senior Vice President and General Counsel of National Rural Telecommunications Cooperative ("NRTC"), Chris Martin, Vice President, Strategic Partnerships of NRTC, and DigitalBridge Communications Corp.'s ("DBC") counsel, Jennifer Richter and Rebecca Murphy of Patton Boggs, LLP, met with Ian Dillner, Christine Clearwater, Mater Warner, Charles Mathias, Stephanie Rabiner, Jennifer Prime and William Kehoe about developing a rural broadband strategy as required by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). The substance of the conversation is included in the attached talking points.

Respectfully submitted,

/s/

Jennifer L. Richter  
Counsel to DigitalBridge Communications Corp.

**Talking Points**  
**FCC Meeting, April 9, 2008**

- I. Introduction of NRTC**
- II. Introduction of DBC**
- III. Description of the Anticipated NRTC/DBC Combination**
- IV. Rural Broadband Strategy**

- The right technologies exist today to cost-efficiently provide meaningful broadband to every home, business, school, library, medical center, public facility and Tribal land in rural, unserved and underserved areas through a combination of WiMAX and satellite broadband.
- **Wireless Broadband:** A comprehensive rural broadband strategy should promote wireless broadband, fixed and mobile, as the most effective and efficient means of delivering broadband to rural areas because of the simplicity of the architecture and the speed at which such a network can be deployed (within 6-9 months). (21 Rural Broadband Strategy commenters advocated the benefits of rural wireless broadband in the proceeding).
- **Congressional Emphasis on Mobile Wireless Broadband:** Wireless Broadband is the only technology that can offer mobile solutions for rural areas, a priority of Congress from the Farm Bill. In a Congressional Joint Explanatory Statement for the Farm Bill, conferees stated that the Secretary of Agriculture is expected to:

*consider the unique way of life in rural America and to be mindful that **mobile broadband technologies** are applicable to farmers, ranchers, and small rural business owners. **Fixed broadband service will continue to be important in rural homes and offices, but mobile technologies also may have a role to play in expanding broadband access to rural residents.***
- **Cost:** When considering the right technologies to bring broadband to rural areas, cost should be one of the most important factors. DBC is able to provide WiMAX services in rural communities for under \$50 per household passed and is capable of serving approximately 20-50 times the number of households per network dollar spent versus comparable landline solutions (7 Rural Broadband Strategy comments on the importance of cost-effective solutions for rural areas).
- **Sustainability:** Wireless broadband also offers a reliable, sustainable, high-quality broadband service, which is future-proofed and can be easily upgraded to include mobility or additional system capacity, enhancing performance of the system without the need to dig up streets and upset the environment. DBC's WiMAX service offers speeds today exceeding 2 Mbps, with the ability to upgrade to 12 Mbps without any stranded infrastructure investment.

- ***Spectrum Issues:*** The most significant impediment to rural broadband deployment is the lack of available, affordable and suitable licensed spectrum. Because of its coverage and its low transaction costs, WCS spectrum is ideal for rural wireless broadband applications. The FCC has not yet issued final technical rules for WCS and SDARS in the 2.3 GHz band in a proceeding that has been pending for 12 years. When the XM – Sirius merger was approved, Commissioner Adelstein expressed his disappointment that the proceeding remains outstanding and his view that the FCC is standing in the way of rural broadband deployment by not completing the final technical rules for WCS/SDARS (14 Rural Broadband Strategy comments on the need for access to spectrum).
- ***Satellite:*** For NRTC’s customers who live or work beyond WiMAX, NRTC members can provide WildBlue’s two-way satellite Internet service. WildBlue technology provides broadband Internet access to consumers lacking access to terrestrial networks. Satellite broadband provides ubiquitous coverage in the most cost-effective manner, offering speeds five to ten times the speed of dial-up service (1.5 Mbps down/256 Kbps up) (6 Rural Broadband Strategy comments on the benefits of satellite for rural areas).
- ***Broadband mapping:*** Our government should not wait to map the nation before making loans and grants for needed rural broadband service. Instead, Form 477 broadband data combined with local knowledge should be used, to the extent it is available, and applicants should provide proof in their applications that an area is unserved or underserved.
- ***Middle Mile:*** The lack of middle-mile infrastructure is one of the greatest obstacles to building sustainable rural broadband networks. A comprehensive rural broadband strategy must ensure that middle mile backhaul is affordable and available. Middle-mile backhaul projects only should be funded with federal dollars if they are associated in some respect with a specific broadband project for last-mile access. We don’t want middle-mile access to nowhere. (26 Rural Broadband Strategy comments on the need for affordable middle mile and other backhaul solutions – more comments than any other issue).
  - At the House Energy and Commerce hearing held last week, Mark Seifert of NTIA said middle mile is “one of the Administration’s priorities.”
- ***Local Ties:*** The most successful and sustainable rural broadband deployments will come from service providers that have ties to the local community, have a stake in ensuring deployment of sustainable broadband in the community, and know what the community needs from first hand experience. Over 1400 NRTC members provide service to rural communities today (14 Rural Broadband Strategy comments on the importance of local ties in deploying a sustainable broadband network).
- ***Experience:*** Experience also is important. Any programs to bring broadband to rural areas should ensure that the service provider has a proven track-record of providing sustainable broadband service to rural areas, and has the necessary systems, resources and deployment capabilities in place.

- ***Prohibit Market Blocking / Warehousing:*** A comprehensive rural broadband strategy, including RUS programs, should not foreclose funding opportunities for communities that might already have some form of broadband or have received approval for federal funding. Blocking or warehousing of markets should not be allowed. Some projects that have received federal funds have not been, and will not be, successful. Beyond this, the concept of being “served” means having a choice of providers.
- At last week’s House Energy and Commerce hearing, Jonathan Large, a Dan River District Supervisor in Ararat, Virginia, cautioned agency officials not to subject applications to “overly restrictive” definitions. His region applied for an RUS grant but was deemed ineligible because the program would not award grants if high-speed broadband service already existed in the area because it would no longer be considered an “unserved” area. “We confirmed high-speed Internet access to one household in our area,” Large said.